



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/444,889	11/22/1999	MICHAEL G. MIKURAK	60021-336701	9216
29838 7590 08/24/2007 OPPENHEIMER WOLFF & DONNELLY, LLP PLAZA VII, SUITE 3300 45 SOUTH SEVENTH STREET MINNEAPOLIS, MN 55402-1609			EXAMINER VAN DOREN, BETH	
			ART UNIT 3623	PAPER NUMBER
			MAIL DATE 08/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/444,889

Applicant(s)

MIKURAK, MICHAEL G.

Examiner

Beth Van Doren

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18,22,28 and 32-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18,22,28 and 32-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/11/2007 has been entered.

Claims 38, 41, 44, and 50 have been amended. Claims 18, 22, 28, and 32-55 are pending in this application.

Response to Amendment

2. Applicant's amendments to the claims are sufficient to overcome the 35 USC 112, second paragraph, rejections set forth in the previous office action. However, based on the current amendments, new 35 USC 112, second paragraph, rejections have been established below.

Response to Arguments

3. Applicant's arguments with respect to claims 18, 22, 28, and 32-55 have been considered but are moot in view of the new ground(s) of rejection, as necessitated by amendment.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3623

5. Claims 18, 22, 28, and 32-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 38 recites in steps (a) and (b) that demand and supply is planned for a manufacturer and the manufacturer's orders are managed within a network based supply chain environment. Step (c) discusses providing maintenance and service for the network based supply chain environment. It is unclear how steps (a) and (b) are related to step (c) (and its substeps). Specifically, it is unclear how the manufacturer relates to the maintenance and repair and how the manufacturer relates to the service providers and consumer users of (c)(i)-(c)(v). Claim 38 seems to be incomplete, omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps relate to the connection between the manufacturer and the maintenance steps. Clarification is required.

Claims 44 and 50 recite substantially similar limitations to claim 38 and therefore contain the same deficiencies. Clarification is required.

Claims 18, 22, 28, 32-37, 39-43, 45-49, and 51-55 depend from claims 38, 44, and 50 and do not remedy the deficiencies set forth above. Therefore, claims 18, 22, 28, 32-37, 39-43, 45-49, and 51-55 contain the same deficiencies. Clarification is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 3623

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 18, 22, 28, and 32-38, 40-44, 46-50, and 52-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekizawa (U.S. 6,430,711) in view of Peterson et al. (U.S. 6,324,522).

As per claim 38, Sekizawa discloses a method for maintaining and servicing a network-based commerce supply chain environment; comprising:

(c) providing maintenance and service for the network-based supply chain environment (See column 4, lines 5-25 and 40-62, column 7, lines 35-50, and column 8, lines 1-7, wherein maintenance is performed. See also figure 20 and column 2, line 50-column 3, line 25 and 45-55, column 5, lines 40-50, and column 6, lines 55-65, wherein other maintenance is performed) comprising:

(i) receiving at a manager from a plurality of provider environment users a plurality of notices for recommended maintenance and service (See column 2, line 50-column 3, line 25, column 4, lines 50-65, column 5, lines 40-50, and column 6, lines 55-65, wherein users recommend maintenance and service using the network);

(ii) receiving at the manager from a plurality of consumer environment users a plurality of requests for maintenance and service (See figure 28 and column 2, line 50-column 3, line 28, column 4, line 50-column 5, line 10 and 40-50, and column 6, lines 1-6 and 55-65, column 7, lines 25-50, and column 8, lines 1-17, wherein the second framework user requests maintenance and service via the system);

(iii) scheduling maintenance and service at the manager based on the plurality of notices from the plurality of provider environment users and the plurality of requests from the plurality

Art Unit: 3623

of consumer environment users (See column 2, line 50-column 3, line 25, column 4, lines 50-65, column 5, lines 40-50, column 6, lines 55-65, column 7, line 59-column 8, line 36, wherein maintenance and service is scheduled using the requests and notices received via the system);

(iv) transmitting a schedule to the plurality of users who requested or recommended maintenance from the manager (See figure 28 and column 4, lines 50-65, column 5, lines 40-60, and column 6, lines 55-65, column 8, lines 1-36, wherein the scheduling is made known to the users who recommended the maintenance via a phone call);

(v) performing scheduled maintenance and service of the e-commerce supply chain environment (See column 4, lines 5-25 and 40-62, column 7, lines 35-50, and column 8, lines 1-7, wherein maintenance is performed. See also figure 20 and column 2, line 50-column 3, line 25 and 45-55, column 5, lines 40-50, and column 6, lines 55-65, wherein other maintenance is performed).

However, Sekizawa does not expressly disclose and Peterson et al. discloses:

(a) planning supply and demand of manufacturer offerings within the network based supply chain environment (See column 1, line 60-column 2, line 5, column 3, lines 25-35, column 4, lines 15-32 and 43-55, column 5, line 45-column 6, line 5, wherein manufactures plan offerings inventory based on the supply and demand information communicated via the network based system); and

(b) managing orders for the manufacturer offerings (See column 1, line 60-column 2, line 5, column 3, lines 25-35, column 4, lines 15-32 and 43-55, column 5, line 45-column 6, line 5, wherein the manufacturer manages orders and timing of orders using the network based system).

Art Unit: 3623

Peterson et al. further discloses (c) providing maintenance and service for the network-based supply chain environment, including updates and data scrubbing (See figures 4 and 5, column 6, lines 40-46, column 46, line 3-column 47, line 5, which discloses network maintenance performed on the network based supply chain management system of the vendors and manufacturers).

Both Sekizawa and Peterson et al. are concerned with maintenance and service, as communicated via the network. Peterson et al. teaches a network based supply chain system where manufacturers manage orders for vendors and network maintenance is performed. Sekizawa discloses maintenance and service in an e-commerce environment. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the manufacturer features of Peterson et al. in the maintenance functions taught by Sekizawa in order to more efficiently integrate all information in an information network that distributes information, such as manufacturer and inventory information and maintenance information, amongst the users. See column 1, line 60-column 2, line 7, and column 46, line 3-column 47, line 5, of Peterson et al.

As per claim 18, Sekizawa teaches performing load-balancing services that initiate and stop processes as utilization levels vary in the e-commerce supply chain (See column 6, lines 10-35, which discloses load balancing).

As per claim 32, Sekizawa teaches wherein the step of performing scheduled maintenance and service includes indexing received feedback from environment users (See figures 4, 9-12, and 30, column 7, lines 59-67, column 19, lines 35-45, column 20, line 40-column 21, line 10, wherein the user is given a change request, the system has a mail box for

Art Unit: 3623

receiving change requests, and the system saves this data. See also column 22, lines 25-55, column 23, lines 1-30, column 33, lines 35-65, column 34, line 55-column 35, line 25).

As per claim 40, Sekizawa teaches wherein the step of performing scheduled maintenance and service of the e-commerce supply chain environment comprises synchronizing data stored separately from the e-commerce supply chain environment with data stored in the e-commerce supply chain environment (See column 4, lines 5-25 and 40-62, column 7, lines 35-50, and column 8, lines 1-7, wherein the external, global, data and the local data is synchronized).

As per claim 41, Sekizawa teaches wherein the step of performing scheduled maintenance and service of the e-commerce supply chain environment comprises optimizing at least one operation of the environment from the group consisting of server processes, disk space, memory availability, CPU utilization access time to a server, and a number of connections in a network-based supply chain for efficient system-operation and problem prevention (See figure 20 and column 2, lines 50-67, column 3, lines 1-25 and 45-55, column 5, lines 40-50, and column 6, lines 55-65, wherein at least one operation of the environment is monitored for optimization, including memory availability).

As per claim 42, Sekizawa teaches wherein the step of performing scheduled maintenance and service of the e-commerce supply chain environment comprises sending feedback response requests to the plurality of environment users of the e-commerce supply-chain environment (See figures 4, 9-12, and 30, column 7, lines 59-67, column 19, lines 35-45, column 20, line 40-column 21, line 10, column 22, lines 25-55, column 23, lines 1-30, column 33, lines 35-65, column 34, line 55-column 35, line 25, wherein the user is given a change request and

Art Unit: 3623

there is a mail box for receiving change requests. Also, the user can input information requested by the system, such as error information, status information, customer information, etc.).

As per claim 43, Sekizawa teaches searching the data stored in the e-commerce supply chain environment prior to synchronization (See column 4, lines 5-25 and 40-62, column 7, lines 35-50, and column 8, lines 1-7, wherein the status data of the local machines are searched prior to the synchronization).

As per claim 33, Sekizawa teaches wherein the data stored in the e-commerce supply-chain environment is indexed according to a profile for each environment user's profile (See figures 4, 9-12, and 30, column 7, lines 59-67, column 19, lines 35-45, column 20, line 40- column 21, line 10, wherein information is entered in the system and saved based on the user profile. For example, the user is given a change request, the system receives change requests, and the system saves this data with the profile of the user. See also column 22, lines 25-55, column 23, lines 1-30, column 33, lines 35-65, column 34, line 55- column 35, line 25).

Claims 44, 22, 34, 46-49, and 35 recite equivalent limitations to claims 38, 18, 32, 40-43, and 33, respectively, and are therefore rejected using the same art and rationale as applied above.

Claims 50, 28, 36, 52-55, and 37 recite equivalent limitations to claims 38, 18, 32, 40-43, and 33, respectively, and are therefore rejected using the same art and rationale as applied above.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 39, 45, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekizawa (U.S. 6,430,711) in view of Peterson et al. (U.S. 6,324,522) and in further view of Haluska (U.S. 5,638,519).

As per claim 39, Sekizawa teaches wherein the step of performing scheduled maintenance and service of the e-commerce supply chain environment comprises updating internal data items stored in the environment (See column 4, lines 5-25 and 40-62, column 7, lines 35-50, and column 8, lines 1-7, wherein the internal data items of the local framework are updated). However, Sekizawa does not expressly disclose updating internal data items selected from the group consisting of merchandising content, currency exchange rates, tax rates, and pricing information.

Peterson et al. discloses providing maintenance and service for the network-based supply chain environment, including updates and data scrubbing (See figures 4 and 5, column 6, lines 40-46, column 46, line 3-column 47, line 5, which discloses network maintenance performed on the network based supply chain management system of the vendors and manufacturers).

However, Peterson et al. does not expressly disclose and Haluska discloses updating internal data items selected from the group consisting of merchandising content, currency exchange rates, tax rates, and pricing information (See figures 4-6, column 3, lines 25-40 and 45-65, column 5, lines 1-25, column 7, lines 35-60, and column 11, lines 35-65, wherein pricing information is updated);

Sekizawa and Peterson et al. are combinable for the reasons set forth above with respect to at least claim 38. Further, both Haluska and Sekizawa disclose manufacturers providing services and supplies to users of the network. Sekizawa further discloses the ability to update

Art Unit: 3623

internal information such as the customer information. It is well known in marketing and sales to customize merchandising content and/or pricing information to the customer and the customer's information. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to update at least the merchandising content and/or the pricing information based on this change in customer information in order to more efficiently meet the needs of the customers of the system by maintaining universal and updated information accessible by all users of the network that correctly matches the needs/information about the customers. See column 2, lines 50-67, of Haluska and column 2, lines 45-67, of Sekizawa.

Claim 45 recites equivalent limitations to claim 39 and is therefore rejected using the same art and rationale as applied above.

Claim 51 recites equivalent limitations to claim 39 and is therefore rejected using the same art and rationale as applied above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kim et al. (U.S. 5,729,688) teaches a management system that controls, maintains, and manages network elements.

Lewis et al. (U.S. 6,131,112) teaches problem handling and maintenance in a network.

Art Unit: 3623

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is 571-272-6737. The examiner can normally be reached on M-F, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

bvd

August 17, 2007

Beth Van Doren
BETH VAN DOREN
PRIMARY EXAMINER
AU 3623